

Zoning Text Amendment No.: 14-11
Concerning: Upper Paint Branch
Overlay Zone – Waiver
Draft No. & Date: 1 – 9/16/14
Introduced: September 23, 2014
Public Hearing:
Adopted:
Effective:
Ordinance No.:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: Councilmember Leventhal

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- generally amend the standards for the approval of a waiver of development standards in the Upper Paint Branch Overlay zone.

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-4.9. “Overlay Zones.”

Section 59-4.9.15. “Upper Paint Branch (UPB) Overlay Zone.”

EXPLANATION: ***Boldface** indicates a Heading or a defined term.*

Underlining indicates text that is added to existing law by the original text amendment.

[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.

Double underlining indicates text that is added to the text amendment by amendment.

[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.

** * * indicates existing law unaffected by the text amendment.*

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. DIVISION 59-4.9 is amended as follows:

DIVISION 59-4.9. Overlay Zones.

* * *

Section [4.9.15] 4.9.17. Upper Paint Branch (UPB) Overlay Zone

* * *

E. Waiver

The applicable review body may grant a waiver of the development standards in Section [4.9.15.D] 4.9.17.D if it finds that:

1. The 8% impervious surface limit would:
 - a. cause an undue hardship on the applicant because of events or circumstances not caused or facilitated by the applicant; or
 - b. prevent improvements to water quality;
2. The application otherwise complies with all applicable Federal, State, and County water quality provisions;
3. The relief sought is the minimum needed to prevent the undue hardship or to improve water quality; and
4. Alternative water quality and control techniques are used to meet the purposes of Section [4.9.15] 4.9.17.

* * *

Sec. 2. Effective date. This ordinance becomes effective on October 30, 2014.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council